

NOV 16 2005

**ARNOLD & PORTER LLP**202.942.5000  
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Washington, DC 20004-1208**Fax Transmittal**

November 16, 2005

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CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)
16517.081	4979	We are transmitting 3 page(s) (including this cover sheet)
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<b>MESSAGE</b>		

Re: Appeal No. 2005-2746; Conf. No. 8452  
 U.S. Patent Appln. Ser. No. 09/404,520 filed September 23, 1999  
 Title: Emericella Nidulans Genome Sequence on Computer Readable Medium and Uses Thereof  
 Inventors: Yongwei CAO *et al.*  
 Atty. Docket: 16517.081

Please see the attached Confirmation of Hearing for the above-identified application.

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November 16, 2005

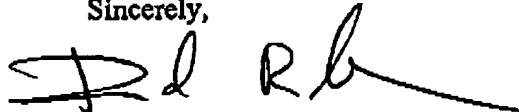
VIA FACSIMILEBoard of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450Appeal No. 2005-2746  
Confirmation No. 8452Re: U.S. Patent Application Serial No. 09/404,520 filed September 23, 1999  
Inventors: Yongwei CAO *et al.*  
Title: Emericella Nidulans Genome Sequence on Computer  
Readable Medium and Uses Thereof  
Atty. Dkt.: 16517.081

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office is a Confirmation of Hearing. A courtesy copy of this letter and its attachment is being sent via facsimile to the Board of Patent Appeals and Interferences.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any additional fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.081.

Sincerely,



David R. Marsh (Reg. No. 41,408)

Attachment

I hereby certify that this transmittal and the attached Confirmation of Hearing are being facsimile transmitted to the US PTO Central Fax number (571-273-8300), with a courtesy copy facsimile transmitted to the BPAI Hearings Fax number (571-273-0299).

  
David R. MarshNovember 16, 2005  
Date

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003/003

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MONSANTO COMPANY

002/002

Nov. 1. 2005 1:25PM MONSANTO PATENT DEPT

No. 5212 P. 3/3

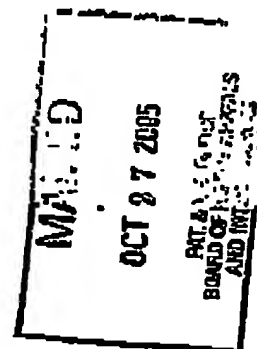


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63167

Appeal No: 2005-2746  
Appellant: Yongwei Gao et al.  
Application No: 09/404,520  
Hearing Room: B  
Hearing Docket: A  
Hearing Date: Thursday, December 15, 2005  
Hearing Time: 01:00 PM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450



### NOTICE OF HEARING CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

**CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED.** This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

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UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ☒ HEARING ATTENDANCE CONFIRMED

☐ HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant

11/16/2005

Date

41,408

Registration No.

David R. Marsh

Notice of other visitors expected to accompany counsel: Thomas F. Holsten (Reg. #46,098)

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see <http://www.uspto.gov/about/offices/contact/visiting/visiting.html>

